IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.78261-M of 2006

DATE OF DECISION: MARCH 2, 2007

Fateh Singh and another

...PETITIONERS

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. N.S.Shekhawat, Advocate,
for the petitioners.
Mr.S.S.Mor, Sr.DAG, Haryana.

...

The petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.113 dated 17.7.2006 registered under Sections 304-B/34 IPC at Police Station Kunjpura, District Karnal.

I have heard the counsel for the parties and gone through the contents of the FIR.

Petitioner No.1 is unmarried brother-in-law and petitioner No.2 is old mother-in-law of deceased Smt.Darshani. As per allegations of the prosecution, the accused were demanding motor-cycle and due to the harassment caused for the said demand, deceased Smt.Darshani along with her daughter committed suicide.

Counsel for the petitioners contends that as far as the petitioners are concerned, both were living separately, though in the same house with a separate kitchen. Counsel further contends that petitioner No.1 is having some medical problem and petitioner No.2 is an old lady and they are not capable to drive the motor-cycle. Counsel contends that because of some differences between husband and wife, the wife committed suicide and for that, as far as the petitioners are concerned, they are not responsible at all and no harassment was caused by them. During the investigation, it was revealed that both the petitioners were living separately at the time of

the occurrence, though in the first floor with a separate kitchen. Both the petitioners are in custody since 12.9.2006 and 22.7.2006, respectively. In this case, till date not a single prosecution witness has been examined out of twelve witnesses. The trial is not going to conclude soon. It is also not the case of the counsel for the respondent-State that in case the petitioners are released on bail, they are likely to tamper with the prosecution evidence or cause any sort of interference in the fair trial.

Keeping in view the aforesaid facts, the nature of allegations and the fact that both the petitioners were found to have been living separately during the investigation and also the fact that the trial is not going to conclude soon, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioners, and they are accordingly ordered to be released on bail to the satisfaction of the trial Court.

March 2, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE